

REMARKS

Claims 1 to 55 are pending in this case. Claims 3-13, 16-31, 34-37, 43-47, and 51-55 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Claims 40-41 and 48-49 have been rejected under 35 U.S.C. §102(b) over Bhagwat (U.S. Patent 5,941,988). Claims 1, 14, and 26 have been rejected under §103(a) over Bhagwat in view of Oyama (U.S. Patent 6,108,329). Claims 2, 15, 32, and 38-39 have been rejected under § 103(a) over Bhagwat in view of Oyama further in view of Hayashi (U.S. Patent 6,598,071). Claims 42 and 50 have been rejected under § 103(a) over Bhagwat in view of admitted prior art in the specification. By this Amendment, applicant has amended independent claim 1 to clarify the claim language without narrowing the scope of independent claim 1 or any element contained therein. Applicant respectfully requests reconsideration of the subject application in view of the above amendments and the following remarks.

Claims 3-13, 16-31, 34-37, 43-47, and 51-55 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Applicant thanks the Examiner for kindly indicating the allowability of the above claims, but defers rewriting these claims until final resolution of the rejected claims.

In paragraph 2 of the Office Action, claims 40-41 and 48-49 have been rejected under § 102(b) over Bhagwat. This rejection is respectfully traversed.

Independent claim 40 requires that *“from the time of relay of a data acquisition request from said client by said switching apparatus until the end of transmission of an acknowledgement packet to be transmitted to said client, said server transmits said packet to the client by one-way splicing.”*

The one-way splicing in independent claim 40 is set up from the server to the client and for the time period required. In other words, the splicing required in independent claim 40 is “one-way” and conducted only for communication directed from the server to the client, in which a large volume of data is frequently transferred (see, page 33, lines 11-14 of the specification as

filed). In addition, the one-way splicing continues without being cut off until the acknowledgement packet is transmitted to the client, when the client receives all the data transmitted in response to the client's data acquisition request (see, page 13, line 25 to page 14, line 2 of the specification as filed).

In response to applicant's arguments with respect to the claimed one-way splicing, the Office Action cites to the "end-to-end" connection described at col. 3, line 61 and in Figs. 2 and 4 of Bhagwat. Applicant respectfully disagrees that Bhagwat's "end-to-end" connection reads on applicant's claim feature of one-way splicing from the server to the client. Indeed, as illustrated in the cited Fig. 4 of Bhagwat, Bhagwat's end-to-end connection performs TCP splicing in the proxy of the connections from the server to the client as well as from the client to the server.

In contrast to Bhagwat's above teachings, independent claim 40 explicitly requires one-way splicing of the connection from the server to the client. Therefore, independent claim 40 patentably distinguishes over Bhagwat.

Similar to claim 40, independent claim 48 requires that *"from the time of relay of a data acquisition request to said server by said switching apparatus until the end of transmission of an acknowledgement packet to be received from said server, said client receives said packet from the server by one-way splicing."* For similar reasons stated above in connection with claim 40, independent claim 48 patentably distinguishes over Bhagwat.

In view of the above, the rejection of claims 40-41 and 48-49 has been overcome.

In paragraph 4 of the Office Action, claims 1, 14, and 26 have been rejected under §103(a) over Bhagwat in view of Oyama. This rejection is respectfully traversed.

Similar to independent claim 40, independent claims 1, 14, and 26 each require a one-way splicing from the server to the client, which is conducted from the time of relaying a data acquisition request from the client till the end of transmission of an acknowledgement packet from the server to the client. Because Oyama is cited against additional features in independent claims 1, 14, and 26, each of independent claims 1, 14, and 26 also patentably distinguishes over Bhagwat for at least similar reasons stated above in connection with claim 40. Therefore, the subject rejection of claims 1, 14, and 26 has been overcome.

In addition, independent claim 1 has been amended to recite that “*retransmission control and flow control of communication are ... not conducted in the direction from the server to the client.*” Because neither Bhagwat nor Oyama teach the above claim features, independent claim 1 patentably distinguishes over the cited for additional reasons.

In paragraph 5 of the Office Action, claims 2, 15, 32, and 38-39 have been rejected under § 103(a) over Bhagwat in view of Oyama further in view of Hayashi. This rejection is respectfully traversed.

Claims 2 and 15 depend from independent claims 1 and 14, respectively, and recite additional features. Because Oyama and Hayashi are cited against additional features in claims 2 and 15, claims 2 and 15 are believed to be allowable for at least the same reasons that claims 1 and 14 are allowable. Accordingly, the rejection with respect to claims 2 and 15 has been overcome.

Independent claims 32 and 38-39 each require a one-way splicing from the server and/or to the client, which is conducted from the time of relaying a data acquisition request from the client or to the server till the end of transmission of an acknowledgement packet from the server and/or to the client, similar to independent claim 40. Because Oyama and Hayashi are cited against additional features in independent claims 32 and 38-39, each of independent claims 32 and 38-39 is allowable over Bhagwat for at least the same reasons that claim 40 is allowable. Accordingly, the subject rejection with respect to claims 32 and 38-39 has been overcome.

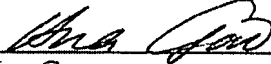
In paragraph 6 of the Office Action, claims 42 and 50 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Bhagwat in view of admitted prior art in the specification. This rejection is respectfully traversed.

Claims 42 and 50 depend from independent claims 40 and 48 respectively and recite additional features. Because applicant's specification is cited against additional features in claims 42 and 50, claims 42 and 50 are allowable for at least the same reasons claims 40 and 48 are allowable. Accordingly, the subject rejection has been overcome.

Applicants have shown that, in addition to claims 3-13, 16-31, 34-37, 43-47, and 51-55, claims 1-2, 14-15, 32-33, 38-42, and 48-50 are also patentable over the cited art and hereby respectfully request that the rejections of these claims be withdrawn. Each pending claim in this case is believed to be in immediate condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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